

# EXHIBIT

3

**Thomas, Jane**

---

**From:** Farrior, William (USAOKW) <William.Farrior@usdoj.gov>  
**Sent:** Tuesday, January 19, 2021 4:22 PM  
**To:** Blanco, Mayling C.; Ortiz, Carlos; Dillon, Matthew (USAOKW)  
**Cc:** Stevenson, Lacey; Bob Wyatt; Lawler, William; Wright, Shawn M.; Thomas, Jane  
**Subject:** RE: Lu and Liu - Scheduling Order and Discovery  
**Attachments:** Liu\_Lu Proposed Scheduling Order v. 2 to LL.docx

Hello,

Thank you for the email.

I tried to respond to your comments below. I quoted your email in blue. My comments are in red.

We received your second production of electronic data. It appears that the two recent productions of electronic data is all in raw form.

The data is as described in the attached cover letters. Thus, the folders identified in the first cover letter contain processed data.

Can you kindly clarify for us: (1) whether the government is done with the production of electronically stored information;

We are done with production of ESI from seized devices.

and (2) if and when we can expect processed data, as I thought the government referenced during the court conference.

You have the data that we have processed. We remain willing to provide more processed data as a courtesy, should you so request. I do not have a time frame for any additional courtesy productions. Additionally, we remain willing to suggest ways for you to quickly access raw data using free programs. Also, I am told there is a way to boot devices from the images on the hard drive allowing you to access the material. We are willing to assist you in trying to do that, if necessary.

These inquiries are relevant to the schedule in this matter, so we will need a response before we can finalize the proposed scheduling order.

On behalf of Lu and Liu, please see attached joint proposed discovery order per yesterday's court conference. In addition, we want to confirm that the discovery referenced in the order includes, at a minimum and regardless of how maintained (electronic or hard copies), the following:

- all items seized from the Defendants, including during the execution of a search warrant on their home on May 29, 2020;

To my knowledge you have everything, except a portion of the hard copy documents. Given your urgency in seeing those, we will make them available for you to inspect and copy at your convenience. Please let us know when you intend to do that so that we can try to have an agent present.

- all items obtained from any third-party to this matter including employees/students at the University of Oklahoma (including the from the grants department or any academic department or lab), financial institutions, email service providers, and the State of Oklahoma (including State funded or managed programs);

Going back over this, we identified one OU subpoena return that was not yet produced. I am attempting to produce those materials to you today.

- all items from any government entity (foreign or domestic) including: (i) the Federal Bureau of Investigation ("FBI"), (ii) the Department of Energy ("DOE"), (iii) the National Institutes of Health ("NIH"), (iv) Small Business Administration ("SBA"), including the Small Business Technology Transfer ("STTR") and Small Business Innovation Research ("SBIR") programs, (v) the Department of the Treasury, including its Automated Standard Application for Payment ("ASAP") system as well as from the ASAP.gov website, and (vi) the National Science Foundation ("NSF"); and

I know of no additional documents from the listed entities, except NSF. We have some NSF documents that we are producing to you today. NSF additionally has a production from OU that we have requested from them.

- all items required to be disclosed pursuant to Rule 16 and Brady v. Maryland, 373 U.S. 83 (1963) and/or delineated in Liu's counsel letter of December 2020. We specifically call your attention to any information or witnesses that may be helpful to the defendant's case or exculpatory as specifically set forth in those letters.

We believe we are in compliance with our constitutional obligations and intend to abide by the scheduling order regarding disclosures.

Please see the attached draft with our proposed changes. Please let me know what questions you have.

Will Farrior  
405-553-8754

---

**From:** Blanco, Mayling C. <mayling.blanco@nortonrosefulbright.com>

**Sent:** Friday, January 15, 2021 4:32 PM

**To:** Farrior, William (USAOKW) <wfarrior@usa.doj.gov>; Ortiz, Carlos <Cortiz@mwe.com>; Dillon, Matthew (USAOKW) <MDillon@usa.doj.gov>

**Cc:** Stevenson, Lacey <lacey.stevenson@nortonrosefulbright.com>; Bob Wyatt <bobwyatt@wyattlaw.com>; Lawler, William <WLawler@BlankRome.com>; Wright, Shawn M. <Wright@BlankRome.com>; Thomas, Jane <JThomas@BlankRome.com>

**Subject:** Lu and Liu - Scheduling Order and Discovery

Hi Will –

We received your second production of electronic data. It appears that the two recent productions of electronic data is all in raw form. Can you kindly clarify for us: (1) whether the government is done with the production of electronically stored information; and (2) if and when we can expect processed data, as I thought the government referenced during the court conference. These inquiries are relevant to the schedule in this matter, so we will need a response before we can finalize the proposed scheduling order.

On behalf of Lu and Liu, please see attached joint proposed discovery order per yesterday's court conference. In addition, we want to confirm that the discovery referenced in the order includes, at a minimum and regardless of how maintained (electronic or hard copies), the following:

- all items seized from the Defendants, including during the execution of a search warrant on their home on May 29, 2020;

- all items obtained from any third-party to this matter including employees/students at the University of Oklahoma (including the from the grants department or any academic department or lab), financial institutions, email service providers, and the State of Oklahoma (including State funded or managed programs);
- all items from any government entity (foreign or domestic) including: (i) the Federal Bureau of Investigation ("FBI"), (ii) the Department of Energy ("DOE"), (iii) the National Institutes of Health ("NIH"), (iv) Small Business Administration ("SBA"), including the Small Business Technology Transfer ("STTR") and Small Business Innovation Research ("SBIR") programs, (v) the Department of the Treasury, including its Automated Standard Application for Payment ("ASAP") system as well as from the ASAP.gov website, and (vi) the National Science Foundation ("NSF"); and
- all items required to be disclosed pursuant to Rule 16 and Brady v. Maryland, 373 U.S. 83 (1963) and/or delineated in Liu's counsel letter of December 2020. We specifically call your attention to any information or witnesses that may be helpful to the defendant's case or exculpatory as specifically set forth in those letters.

Kindly confirm.

Please let us know if you'd like to confer on either topic further on a call.

Thanks.

Mayling

**Mayling C. Blanco** | Partner  
Norton Rose Fulbright US LLP  
Tel +1 212 318 3340 | Fax +1 212 318 3400  
mayling.blanco@nortonrosefulbright.com

---

**From:** Farrior, William (USAOKW) [<mailto:William.Farrior@usdoj.gov>]

**Sent:** Thursday, January 14, 2021 3:19 PM

**To:** Ortiz, Carlos <[Cortiz@mwe.com](mailto:Cortiz@mwe.com)>; Blanco, Mayling C. <[mayling.blanco@nortonrosefulbright.com](mailto:mayling.blanco@nortonrosefulbright.com)>; Dillon, Matthew (USAOKW) <[Matthew.Dillon@usdoj.gov](mailto:Matthew.Dillon@usdoj.gov)>

**Cc:** Stevenson, Lacey <[lacey.stevenson@nortonrosefulbright.com](mailto:lacey.stevenson@nortonrosefulbright.com)>; Bob Wyatt <[bobwyatt@wyattlaw.com](mailto:bobwyatt@wyattlaw.com)>; Lawler, William <[WLawler@BlankRome.com](mailto:WLawler@BlankRome.com)>; Wright, Shawn M. <[Wright@BlankRome.com](mailto:Wright@BlankRome.com)>; Thomas, Jane <[JThomas@BlankRome.com](mailto:JThomas@BlankRome.com)>

**Subject:** RE: Liu - DPPA Letter

Carlos,

Do you want to send us your proposed order? Then we can get back to you.

Thanks,

Will Farrior  
405-553-8754

---

**From:** Ortiz, Carlos <[Cortiz@mwe.com](mailto:Cortiz@mwe.com)>

**Sent:** Thursday, January 14, 2021 1:54 PM

**To:** Farrior, William (USAOKW) <[wfarrrior@usa.doj.gov](mailto:wfarrrior@usa.doj.gov)>; Blanco, Mayling C. <[mayling.blanco@nortonrosefulbright.com](mailto:mayling.blanco@nortonrosefulbright.com)>; Dillon, Matthew (USAOKW) <[MDillon@usa.doj.gov](mailto:MDillon@usa.doj.gov)>

**Cc:** Stevenson, Lacey <[lacey.stevenson@nortonrosefulbright.com](mailto:lacey.stevenson@nortonrosefulbright.com)>; Bob Wyatt <[bobwyatt@wyattlaw.com](mailto:bobwyatt@wyattlaw.com)>; Lawler, William <[WLawler@BlankRome.com](mailto:WLawler@BlankRome.com)>; Wright, Shawn M. <[Wright@BlankRome.com](mailto:Wright@BlankRome.com)>; Thomas, Jane <[JThomas@BlankRome.com](mailto:JThomas@BlankRome.com)>

**Subject:** RE: Liu - DPPA Letter

Hi All,

Per the court's order, please let us know when your availability to meet and confer as soon as possible.

Best,  
Carlos  
CARLOS F. ORTIZ  
Partner

**McDermott Will & Emery LLP** 340 Madison Avenue, New York, NY 10173-1922  
**Tel** +1 212 547 5566 **Mobile** +1 732 991 1076 **Email** cortiz@mwe.com  
**Website** | **vCard** | **Twitter** | **LinkedIn**

---

**From:** Farrior, William (USAOKW) <[William.Farrior@usdoj.gov](mailto:William.Farrior@usdoj.gov)>  
**Sent:** Wednesday, January 13, 2021 1:33 PM  
**To:** Blanco, Mayling C. <[mayling.blanco@nortonrosefulbright.com](mailto:mayling.blanco@nortonrosefulbright.com)>; Dillon, Matthew (USAOKW) <[Matthew.Dillon@usdoj.gov](mailto:Matthew.Dillon@usdoj.gov)>  
**Cc:** Ortiz, Carlos <[Cortiz@mwe.com](mailto:Cortiz@mwe.com)>; Stevenson, Lacey <[lacey.stevenson@nortonrosefulbright.com](mailto:lacey.stevenson@nortonrosefulbright.com)>; Bob Wyatt <[bobwyatt@wyattlaw.com](mailto:bobwyatt@wyattlaw.com)>; Lawler, William <[WLawler@BlankRome.com](mailto:WLawler@BlankRome.com)>; Wright, Shawn M. <[Wright@BlankRome.com](mailto:Wright@BlankRome.com)>; Thomas, Jane <[JThomas@BlankRome.com](mailto:JThomas@BlankRome.com)>  
**Subject:** RE: Liu - DPPA Letter

[ External Email ]

Hello,

We do not object to the entry of a DDPA order. We propose the following language:

Pursuant to Rule 5(f), the court confirms the United States' continuing duty to disclose material evidence which is favorable to the defendant as required by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. If the court finds that the government has failed to comply with this obligation, the court may, as appropriate, order the production of such information; grant a continuance; impose evidentiary and other appropriate sanctions, such as requiring additional discovery training; order a new trial; or, in extreme cases, dismiss charges.

Please let us know if you'd like to discuss. Thanks,

Will Farrior  
405-553-8754

---

**From:** Blanco, Mayling C. <[mayling.blanco@nortonrosefulbright.com](mailto:mayling.blanco@nortonrosefulbright.com)>  
**Sent:** Wednesday, January 13, 2021 11:13 AM  
**To:** Farrior, William (USAOKW) <[wfarrior@usa.doj.gov](mailto:wfarrior@usa.doj.gov)>; Dillon, Matthew (USAOKW) <[MDillon@usa.doj.gov](mailto:MDillon@usa.doj.gov)>  
**Cc:** Carlos F. Ortiz (<[cortiz@mwe.com](mailto:cortiz@mwe.com)>) <[cortiz@mwe.com](mailto:cortiz@mwe.com)>; Stevenson, Lacey <[lacey.stevenson@nortonrosefulbright.com](mailto:lacey.stevenson@nortonrosefulbright.com)>; Bob Wyatt <[bobwyatt@wyattlaw.com](mailto:bobwyatt@wyattlaw.com)>; Lawler, William <[WLawler@BlankRome.com](mailto:WLawler@BlankRome.com)>; Wright, Shawn M. <[Wright@BlankRome.com](mailto:Wright@BlankRome.com)>; Thomas, Jane <[JThomas@BlankRome.com](mailto:JThomas@BlankRome.com)>  
**Subject:** Liu - DPPA Letter

Hi Will and Matt –

I hope well. First, confirming that we received the data that you sent over and thank you for that.

Second, in light of tomorrow's conference we wanted to advise you that we will be filing the attached letter. We are happy to confer further on the topic to the extent you find that helpful. Please let us know your position so that we may file our letter as early as practical for the Court's convenience.

Thanks,  
Mayling

**Mayling Blanco** | Partner  
Norton Rose Fulbright US LLP  
1301 Avenue of the Americas, New York, New York 10019-6022, United States  
Tel +1 212 318 3340 | Fax +1 212 318 3400  
mayling.blanco@nortonrosefulbright.com

## **NORTON ROSE FULBRIGHT**

*Law around the world*  
[nortonrosefulbright.com](http://nortonrosefulbright.com)

**CONFIDENTIALITY NOTICE:** This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. Norton Rose Fulbright entities reserve the right to monitor all email communications through their networks.

Norton Rose Fulbright Australia, Norton Rose Fulbright LLP, Norton Rose Fulbright Canada LLP, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).

\*\*\*\*\*  
This message is a PRIVATE communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Our [Privacy Policy](#) explains how we may use your personal information or data and any personal information or data provided or made available to us. Thank you.  
\*\*\*\*\*

Please visit <http://www.mwe.com/> for more information about our Firm.